HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.19877, 19878, 19879, 19880, 19881, 19882, 19883 and 19884 of 2006

Dated: 27.09.2006

Between:

Mutt Masan Baradari (Shivashankar Temple)

…Petitioner

and

The Special Officer and Competent Authority and others.

…Respondents.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.19877, 19878, 19879, 19880, 19881, 19882, 19883 and 19884 of 2006

COMMON ORDER:

These eight Writ Petitions are filed by the Mutt Masan Baradari (Shivshankar Temple), represented by its "Mahant", Sri Chandra Mohan Das (hereinafter called, the Mutt), assailing the orders of the Government of Andhra Pradesh in G.O.Ms.No.186, Revenue (UC.II) Department, dated 16.02.2006, and the consequential endorsements dated 10.03.2006 issued by the first respondent informing the concerned Officials about the effect of the issue of G.O.Ms.No.186, dated 16.02.2006. The petitioner-Mutt seeks invalidation of the Government Order as well as the consequential endorsements. As the background of all the matters is same, they are being disposed of by a common order *in limine.*

The petitioner-Mutt is allegedly the owner of the land admeasuring Acs.4.20 guntas comprised in Survey No.239, Bandlaguda Village, Bahadurpura Mandal, Hyderabad. When M/s.Laxman Rao and others tried to grab the land, the petitioner filed a Land Grabbing Case under the Andhra Pradesh Land Grabbing

(Prohibition) Act, 1982 (for short 'the Act'), before the Special Court constituted under the Act. The same, being L.G.C.No.19 of 2001, is pending. The petitioner states that the Special Court directed the Mandal Revenue Officer (MRO), Bahadurpura Mandal, to survey the land and submit a report. After conducting the survey, the MRO submitted a report on 04.10.2001 to the effect that the land is a Graveyard, and that the same is grabbed by Smt.Kaushalia Bai and seven others. The Government of Andhra Pradesh got impleaded in L.G.C.No.19 of 2001 and sought for appointment of the Deputy Director, Survey and Land Records, Hyderabad, to inspect the land. The land was accordingly inspected and a report was submitted to the effect that the land in T.S.No.6, Block A, Ward No.239 is correlated to Survey No.33, that the encroachments are extending up to the main road, and that the "Mahant" (applicant in L.G.C) encroached into the land in T.S.No.3. Further it is stated that during the trial, the MRO deposed in the L.G.C that respondents 1 to 4 in the L.G.C occupied the graveyard. At that stage, Smt.Kaushalia Bai and seven others (the third respondent in all the Writ Petitions) filed applications under G.O.Ms.No.455, dated 29.07.2002. The petitioner-Mutt also filed objections on 26.11.2005 and 13.12.2005. After considering the applications of the respondents, the Government issued orders in G.O.Ms.No.186, dated 16.02.2006, consequent to which, the first respondent, namely the Special Officer and Competent Authority, Hyderabad Urban Agglomeration, issued endorsement, dated 10.03.2006.

The learned Counsel for the petitioner in all the cases submits that when a litigation is pending in respect of the urban vacant land, it is not competent for the Government to pass orders of regularization under G.O.Ms.No.186, dated 16.02.2006. He relies on the pending L.G.C in support of this contention and para 4(b) of G.O.Ms.No.455, dated 29.07.2002. He nextly contends that when the Government itself is claiming the land in Survey Nos.3 to 6 in Ward No.239 of Bandlaguda Village as belonging to Government, regularization in favour of the third respondent (in all the Writ Petitions) is illegal. Lastly, he submits that when the objections were filed by the petitioner-Mutt, they were not considered by the Government.

The petitioner herein filed L.G.C No.19 of 2001 before the Special Court constituted under the Act. In column Nos.10 and 11 of the application filed under Section 8(1) of the Act, the petitioner

mentioned that the land in respect of which the respondents mentioned in column 4 there of grabbed, is comprised in Survey Nos.3 to 6 in Ward No.239, admeasuring 5512 square yards out of total extent of Acs.4.20 guntas. Even in the schedule to the concerned statement appended to the application (L.G.C), the same numbers are reiterated. When the MRO, Bahadurpura, deposed as R.W.2 before the Special Court, he stated that T.S.Nos.3, 4 and 5 correlate to Survey Nos.8/7, that 8 is the serial number in the pahani and 7 is the actual survey number. He also stated that T.S.No.6 is correlated to Survey No.9, which is a private land belonging to one Kalavathi, W/o.Madan Mohan Singh. There cannot be any denial that Smt.Kaushalia Bai (the third respondent in W.P.No.19879 of 2006) and seven others (third respondent in all the other writ petitions) filed applications seeking regularization in respect of the land in Survey No.9, situated in Bandlaguda Village. The Government issued orders in G.O.Ms.No.186, dated 16.02.2006, allotting the land admeasuring about 143 square yards to 429 square yards in favour of the third respondent in all the writ petitions comprised in Survey No.9 of Bandlaguda Village. Reading the deposition of the MRO before the Special Court and the Government Orders impugned, it becomes clear that Survey No.9 correlates to T.S.No.6 and it is a patta land belonging to Kalavathi, whereas in the L.G.C, the petitioner-Mutt claimed the land in Survey Nos.3 to 6 of Bandlaguda Village, which has nothing to do with the land allotted to the third respondent in all the Writ Petitions. Therefore, *prima facie,* the petitioner cannot be said to have any grievance. This Court, however, hastens to add that it is always open to the petitioner to agitate about the matter before the Special Court in the pending L.G.C by producing necessary proof. Even if the land is allotted by the Government, if ultimately it is found by the Special Court that the land allotted to the third respondent in all the Writ Petitions also forms part of the schedule property in L.G.C, the Special Court can always pass orders accordingly. In these Writ Petitions no relief can be granted.

In the result, for the above reasons, the Writ Petitions are accordingly dismissed. No costs.

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(V.V.S.RAO, J)

27.09.2006
vs